



US Army Corps
of Engineers
Detroit District

Joint Public Notice

Applicant: Bay Harbor Company

In Reply Refer To: Corps File No. 03-056-136-0
MDEQ File No. 03-24-0066

Date: February 23, 2004
Expires: March 24, 2004

Proposed Marina Expansion in Lake Michigan (Bay Harbor Lake) at Bay Harbor, Michigan

Applicant: Bay Harbor Company, 4000 Main Street, Bay Harbor, MI, 49770

Project Location: in Lake Michigan (Bay Harbor Lake), Section 3, Township 34N, Range 6W, Bay Harbor, Emmet County, Michigan. The site is located at 4000 Main Street, Bay Harbor Michigan.

Federal Authority: The applicant has applied for a Department of the Army permit under Section 10 of the Rivers and Harbors Act of 1899.

State Authority: Coastal Zone Management Certification (or waiver thereof) is required from the State of Michigan if this proposed activity would occur within the designated coastal zone.

The applicant has applied for a permit from the State under authority of:

Michigan Department of Environmental Quality - NREPA, 1994 PA 451, Part 301 Inland Lakes & Streams

Project Description: As shown on the attached plans, the applicant proposes to expand an existing marina by extending existing head piers. This would increase the number of boat slips from 229 boat slips to a total of 605 boat slips.

Bay Harbor Yacht Club:

Pier A: Extend an existing 325-foot fixed pier by installing a 321 x 12 foot floating head pier with a 92 x 10 foot end pier. Install 12 - 50 x 5 foot finger piers and 14 - 35 x 3 foot divider piers.

Pier B: Extend an existing 308.3-foot fixed pier by installing a 396 x 12 foot head pier with a 112 x 12 foot end pier. Install 14 - 50 x 5 foot finger piers and 14 - 35 x 3 foot divider piers. **Pier**

C: Extend an existing 426-foot fixed pier by installing a 366 x 12 foot floating head pier with a 132 x 10 foot end pier. Install 12 - 60 x 5 foot finger piers and 12 - 40 x 3 foot divider piers.

Pier D: Extend an existing 442-foot fixed pier by installing a 354 x 12 foot head pier with a 142 x 12 foot end pier. Install 20 - 60 x 5 foot finger piers.

Pier E: Extend an existing 324-foot fixed pier by installing a 476 x 12 foot floating pier with a

162 x 10 foot end pier. Install 28 - 80 x 5 foot finger piers.

Bay Harbor Lake Marina: Extend Pier A by installing a 498 x 10 foot angled pier with a 70 x 24 foot end pier. Install 7 - 60 foot tapered finger piers and 8 - 40 foot tapered divider piers. The applicants stated purpose is to expand two existing marinas.

Other Authorizations: The applicant has either received or requested the following governmental authorization:

Comments: We are publishing this notice in compliance with Title 33 Code of Federal Regulations Parts 320-330 and the Michigan statutes listed above. Comments on the project should be submitted in writing and postmarked or delivered by the expiration date of this public notice. Comments of a positive or negative nature may be submitted. All responses must refer to file number 03-056-136-0/03-24-0066. We will interpret a lack of response as meaning that there is no objection to the permit application. Comments should be filed with:

a. Wally Gauthier, Chief, Permit Evaluation Branch B, Regulatory Office, Detroit District, Corps of Engineers, P.O. Box 1027, Detroit, Michigan 48231. Comments may be e-mailed to: Mirja.M.Halmi@usace.army.mil, but must include a name and mailing address.

b. State permit and/or water quality certification comments should be filed with the Michigan Department of Environmental Quality (MDEQ), Geological and Land Management Division, P.O. Box 30204, Lansing, Michigan 48909.

After the closing of the response period, the Corps and the MDEQ will exchange timely comments received.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Evaluation: The decision whether to issue the Department of the Army permit and State permits will be based on independent conclusions of the Corps of Engineers and the Michigan Department of Environmental Quality, respectively, after evaluation of the probable impact of the proposed activity on the public interest. These decisions will reflect the national/state concerns for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Endangered Species: We will review this application for the potential impact on threatened or endangered species pursuant to Section 7 of the Endangered Species Act as amended. We are not aware of the presence of any listed species or critical habitat at or in the vicinity of the proposed worksite. We invite information and/or comments regarding the potential presence of, or impacts to, any listed species or critical habitat.

Cultural Resources: The District Staff has reviewed existing information on historic properties potentially affected by the proposed project, including the National Register of Historic Places. There are no recorded historic properties within the permit area. The permit area has been so extensively modified by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property. The District Engineer invites responses to this Public Notice from federal, state and local agencies, historical and archaeological societies, Indian tribes, and other parties likely to have knowledge of or concerns with historic properties in the area.

Additional Information: Questions concerning this application may be directed to Mirja M. Marshall at the Corps of Engineers address listed above, or telephone number (313) 226-7735.

FOR THE DISTRICT ENGINEER:

Steven E. Chester
Director
Department of
Environmental Quality

Wally Gauthier
Chief, Permit Evaluation Branch B
Regulatory Office

NOTICE TO POSTMASTERS:

We request that the above notice be conspicuously and continuously posted for the time period of this notice.